



WEB COPY

C.M.A(MD)NO.611 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.07.2021**

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.M.A(MD)NO.611 of 2021

and

C.M.P(MD)No.5906 of 2021

Ananthi

:Appellant/Petitioner/Respondent

/vs/

K.Satish Prabhu

:Respondent/Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act praying this Court to set aside the fair and decretal order passed in I.A.No.94 of 2019 in H.M.O.P.No.359 of 2016, dated 27.02.2020, on the file of Family Court, Madurai.

For Appellant : Mr.Babu Rajendran
For Respondent : Mrs.Chamundi Bose

JUDGMENT

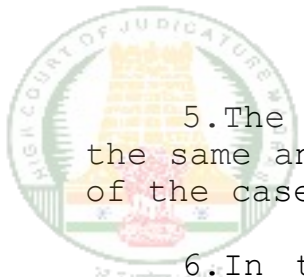
[Judgment of the Court was made by **K. KALYANASUNDARAM, J.**]

We heard Mr.Babu Rajendran, learned counsel appearing for the appellant and Mrs.Chamundi Bose, learned counsel appearing for the respondent and perused the materials placed before this Court.

2.This Civil Miscellaneous Appeal is directed against the order passed by the Family Court, Madurai in I.A.No.94 of 2019 in H.M.O.P.No.359 of 2016, dated 27.02.2020.

3.The learned counsel for the appellant would state that the respondent has filed G.W.O.P.No.30 of 2016 for custody of minor child Gowsik and also filed H.M.O.P.No.359 of 2016 for divorce. It is also stated that the appellant/wife has filed H.M.O.P.No.310 of 2021 for restitution of conjugal rights. When these Petitions are pending before the Family Court, the learned counsel pressed only for the custody application and he also filed a proof affidavit.

4.When this Court pointed out that there is no illegality in the impugned order, the learned counsel suggested that this Civil Miscellaneous Appeal can be closed with a direction to the Family Court to dispose of the original Petitions namely, H.M.O.P.No.359 of 2016 and H.M.O.P.No.310 of 2021 by way of joint trial and G.W.O.P.No.30 of 2016 by way of simultaneous trial, within a time frame.



5.The learned counsel for the respondent has no objection for the same and expressed her readiness to co-operate for the disposal of the cases within the stipulated time.

6.In the light of the above submissions made by the learned counsels appearing on either side, this Civil Miscellaneous Appeal is closed, directing the Family Court Madurai to dispose of the three Original Petitions ie., H.M.O.P.No.359 of 2016 and H.M.O.P.No.310 of 2021 by way of Joint trial and G.W.O.P.No.30 of 2016 by way of simultaneous trial, within a period of one year from the date of receipt of a copy of this order.

7.With the above direction, the Civil Miscellaneous Appeal is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Judge,
Family Court,
Madurai.

Copy to

1. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(Records if any)

C.M.A(MD)NO.611 of 2021

and

C.M.P (MD)No.5906 of 2021

28.07.2021